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Legislation approved by Education and Labor Committee follows West Virginia mining disaster and years of work by the Committee to improve oversight and accountability

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WASHINGTON, DC – Congressman Joe Sestak (PA-07), an original co-sponsor, voted to pass out of the House Education and Labor Committee the Miner Safety and Health Act, the strongest improvement to miner safety in more than thirty years. The bill passed the committee by a vote of 30 to 17.

This effort follows the explosion and the tragic loss of 29 miners at the Upper Big Branch mine in West Virginia earlier this year. This bill finally creates a strong mechanism by which mine regulators can take aggressive action against the most egregious and repeat offenders of safety laws, such as the operators of the Upper Big Branch mine, and then work with the mine owners

to bring the mines into compliance under close supervision and prevent events like the April explosion.

Pennsylvania is well aware of the importance of mine safety as the home of the deadliest mine accident in the country's history in 1907. The industry has come a long way, but the 52 deaths across the country this year demonstrate that it is still one of the riskiest occupations in the country and better safeguards are needed.

"Mining is an important industry for Pennsylvania's economy, with nearly 4,000 mine and mine related workers," said Congressman Sestak. "This legislation will help save lives, give families more peace of mind, and promote good practices in the industry, while preventing the few companies that have previously put profits ahead of safety from putting their workers at unnecessary risk and damaging the entire industry."

The Miner Safety and Health Act will be the most significant increase in mine safety since 1977. Congressman Sestak worked to help pass legislation that:

- Makes it easier for mine safety officials to identify those mines that have a pattern of violation that creates a chronic and serious risk and then provides a mechanism by which that behavior can be corrected, followed by closer monitoring to ensure the operators do not revert to unsafe practices. While a similar mechanism was available to mine safety officials since 1977, the procedures and the consequences were such that the process has never been used.
- Protects workers from shutdowns caused by safety violations. It requires mine operators to pay up to four hours of pay for the first two shifts missed and full pay for each shift after that up to 60 days. This will remove a disincentive of workers speaking up about safety concerns out

of fear of losing pay because of closure.

- Protects whistleblowers, requiring employers to have a legitimate reason for dismissing workers so that they cannot intimidate workers and circumvent whistleblower protections. This extra protection is needed because of the extraordinarily risky work environment.
- Gives the Mine Safety and Health Administration (MSHA) subpoena power during investigations and inspections and provides independent oversight of MSHA to ensure better accountability. The General Accountability Office (GAO) will study the issue of delays in MSHA application reviews and approvals.
- Deals with overdue fines, which currently stand at \$27 million, by requiring mine operators to pay prejudgment interest on fines. This will address the practices of drawing out challenges in order to delay and potentially reduce fines against them.
- Increases the penalties for violations and changes criminal offenses from misdemeanors to felonies. This includes the offense of knowingly acting to expose workers to significant risk of serious bodily harm, illness, or death. These changes provide disincentive for the most egregious violations and give prosecutors more tools to punish offenders.
- Increases inspection, training, and notification requirements such as requiring that MSHA perform inspections during all shifts and days of the week.
- Improves overall workplace safety with measures aimed at preventing the over 5,000 workplace deaths that happen nation-wide each year. The bill provides enhanced whistleblower protections, giving accident victims and families greater rights and updating penalties to keep pace with inflation.

More can be found about the bill by visiting <http://edlabor.house.gov/blog/2010/07/miner-safety-and-health-act-of.shtml>

Congressman Sestak voted and the House passed the S-Miner Act in 2007 to improve mine safety, but the bill failed to clear the Senate. Provisions of S-Miner have since been enacted through rule making and others have been incorporated into this bill.

Born and raised in Delaware County, former 3-star Admiral Joe Sestak served in the Navy for 31 years and now serves as the Representative from the 7th District of Pennsylvania. He led a series of operational commands at sea, including Commander of an aircraft carrier battle group of 30 U.S. and allied ships with over 15,000 sailors and 100 aircraft that conducted operations in Afghanistan and Iraq. After 9/11, Joe was the first Director of "Deep Blue," the Navy's anti-terrorism unit that established strategic and operations policies for the "Global War on Terrorism." He served as President Clinton's Director for Defense Policy at the National Security Council in the White House, and holds a Ph.D. in Political Economy and Government from Harvard University. According to the office of the House Historian, Joe is the highest-ranking former military officer ever elected to the U.S. Congress.